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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DANNY JOSEPH MARTIN,

Defendant and Appellant.

H041153

(Santa Clara County

Super. Ct. Nos. C1240639, C1241192)

On September 19, 2013, the Santa Clara County District Attorney filed an information in case No. C1240639 (C1240639), in which Danny Joseph Martin (defendant) was charged with two counts of carjacking (Pen. Code,<sup>1</sup> § 215, counts one & three) and two counts of robbery (§§ 211, 212.5, subd. (c), counts two & four). As to all counts, the information contained the allegation that defendant personally used a firearm within the meaning of section 12022.53, subdivision (b), and that he had served a prior prison term within the meaning of section 667.5, subdivision (b).

On the same day, the Santa Clara County District Attorney filed an information in case No. C1241192 (C1241192) in which defendant was charged with buying or receiving a stolen motor vehicle (§ 496d). Again, the information contained the allegation that defendant had served a prior prison term within the meaning of section 667.5, subdivision (d).

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<sup>1</sup> All unspecified section references are to the Penal Code.

Pursuant to a plea bargain, on March 12, 2014, in C1240639, defendant pleaded no contest to two counts of robbery and in C1241192, no contest to possession of stolen property. Defendant admitted that he had served a prior prison term within the meaning of section 667.5, subdivision (d). In exchange for his no contest pleas, defendant was promised a prison term of four years (top/bottom).

On June 17, 2014, in C1240639, the court sentenced defendant to serve three years in state prison on one robbery count (count two) and one year on the second robbery count (count four) to be served consecutively. In C1241192, the court sentenced defendant to three years in prison for the buying or receiving a stolen motor vehicle count to be served concurrently with the sentence in C1240639. The court struck the punishment for the prison priors. The court imposed various fines and fees and awarded defendant presentence custody credits of 649 actual days plus 97 days of conduct credits limited to 15 percent pursuant to section 2933.1 because of the robbery convictions.

Defendant filed a notice of appeal on June 18, 2014 challenging his sentencing in both cases.

Defendant's appointed counsel has filed an opening brief in which she raises no issues. Counsel asks this court to conduct an independent review of the record as required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel has declared that defendant was notified that an independent review under *Wende* was being requested and that he could file a supplemental brief with this court.

On October 24, 2014, by letter, we notified defendant of his right to submit written argument on his own behalf within 30 days. That time has passed and we have not received a response from defendant.

Upon our independent review of the record, we conclude there are no meritorious issues to be argued, or that require further briefing on appeal. Defendant received the sentence he was promised. The fines and fees imposed are supported by the law and the

facts. The court was correct in limiting defendant's presentence conduct credits to 15 percent of the actual time served.

*Disposition*

The judgment is affirmed.

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ELIA, J.

WE CONCUR:

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RUSHING, P. J.

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PREMO, J.

*The People v. Martin*

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